

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA**

**(Alexandria Division)**

<b>ROBOTIC VISION TECHNOLOGIES LLC, a Nevada Limited Liability Company, and FREDERICK WEIDINGER, an individual,</b>	)	
	)	
<b>Plaintiffs,</b>	)	
	)	
<b>vs.</b>	)	<b>Case No. 1:11cv250 (TSE/TRJ)</b>
	)	
<b>ADIL SHAFI, an Individual,</b>	)	
	)	
<b>Defendant.</b>	)	
	)	

**DEFENDANT ADIL SHAFI'S AMENDED UNCONTESTED MOTION TO CONTINUE  
THE RULE 16 PRETRIAL CONFERENCE AND HEARING SET ON JUNE 24, 2011**

Defendant Adil Shafi, by and through undersigned counsel, moves this Court pursuant to Local Rule 7(G) to continue the Rule 16 Pretrial Conference set for June 22, 2011 [Dkt. 12] as well as the hearing on his motion to dismiss and for change of venue set for June 24, 2011 [Dkt. 18]. Defendant seeks a continuance on grounds that his lead counsel, James P. Murphy, Esq. of the Michigan law firm of Berry Moorman, P.C., unexpectedly died from natural causes on June 16, 2011.

Defendant further requests that the Court accept the parties' stipulation set forth below with respect to the Amended Complaint and set a status conference no sooner than the following Friday, July 1, 2011, at which the time the parties may file a written status report and submit to the Court a proposed modification to the pre-trial dates currently set in this cause. In support thereof, Defendant states as follows:

1. Undersigned counsel discussed the substance of this motion with opposing counsel, Michelle Alamo, Esq., of Dickinson Wright PLLC and the parties exchanged drafts of this motion. Ms. Alamo stated that she has no objections to the relief sought herein.

2. This Court previously set a Rule 16 Pretrial Conference on June 22, 2011 at 11:00 a.m. [Dkt 12] and a hearing on Friday, June 24, 2011 [Dkt. 18]

3. On June 16, 2011, James P. Murphy, Esq., of the Michigan law firm of Berry Moorman, P.C., defendant's lead counsel, died suddenly from natural causes.

4. Mr. Murphy had been a practicing attorney since 1984 and as a principal/shareholder at Berry Moorman, P.C. carried an active practice.

5. Upon his passing, his partners in Michigan have had to turn their attention to his caseload, including this action.

6. Mr. Murphy had also been lead counsel in the Michigan case of *Braintech, Inc. et al. v. Adil Shafi et. al.*, Case No. 2:09-cv-10454-VAR-LJM. Upon news of Mr. Murphy's untimely death, the Michigan court cancelled the final Pretrial Conference set for June 23, 2011, and the trial set for June 28, 2011, and set a Status Conference for September 21, 2011.

7. The Michigan lawyers for the parties and local counsel in Virginia have agreed to develop and submit a proposed modification to the pretrial schedule and hearing dates in this Court given this unfortunate turn of events.

8. Meanwhile, the Plaintiff has filed an Amended Complaint in this cause. [Dkt. 14] to which a response is due on June 23, 2011. The parties stipulate and agree that Defendant's motion to dismiss or, in the alternative, to transfer venue [Dkt 9 and 10] shall be deemed a

responsive pleading to Plaintiff's First Amended Complaint and that no further responsive pleading is due at this time.

WHEREFORE, for reasons stated herein, undersigned counsel request that this Court cancel the Rule 16 Pretrial Conference set for June 22, 2011, and the hearing set for June 24, 2011, accept the stipulation that no further responsive pleading is due from Defendant at this time and set a Status Conference no sooner than Friday, July 1, 2011, at which time the parties will be permitted to file a written proposed plan for such additional modifications to the pretrial schedule as may be acceptable to the Court.

Dated: June 22, 2011

Respectfully submitted,

/s/

John M. Tran (VSB #24349)  
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**CERTIFICATE OF SERVICE**

I hereby certify that on June 22, 2011, I electronically filed the foregoing with the Clerk of the Court using the CM/EMF system, which will send notification of such filing (NEF) to: the following:

H. Jonathan Redway (Va. Bar. No. 42189)

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AND that I further caused a courtesy copy to be e-mailed to:

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/s/

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